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OEA

SERVICE DATE – JUNE 7, 2013

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-33 (Sub No. 292X)

**Union Pacific Railroad Company — Abandonment Exemption —
in Wright County, Iowa**

BACKGROUND

On May 15, 2013, the Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a notice under 49 U.S.C. § 10502 for exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon 0.5 miles of rail line located in Wright County, IA (Line). The Line, also known as the Thornton Industrial Lead, begins at milepost 29.52 and extends to milepost 30.02, near Belmond, in Wright County, IA. A map depicting the Line in relationship to the area served is attached to this Environmental Assessment (EA).

According to UP, no rail traffic has moved over the Line in more than two years, and there is no overhead rail traffic. UP also notes that no complaint regarding cessation of services has been filed, is pending, or had been ruled upon in favor of a complaint in at least two years.

The Line consists primarily of reversionary property and does not contain any federally granted rights-of-way. The Applicant also opines that the Line is not suitable for public purposes, including roads or highways, other forms of mass transportation, energy production or transmission, as this area is adequately served by existing roadways and utility lines. However, the Line may be suitable for use as a recreational trail as it could connect to an existing trail. UP has received a trail use request from the Iowa National Heritage Foundation seeking a Public Use Condition. UP is willing to negotiate for acquisition of the Line and supports the request.

If the abandonment is approved, UP states that the City of Belmond (Belmond) would continue to receive rail service from UP's Fort Dodge Subdivision. UP also notes that Belmond is located near U.S. Highway 69, which provides Belmond access to U.S. Interstate 35, located approximately 15 miles to its east.

UP intends to salvage the rail, ties and track materials. According to UP, salvage would occur only on the top of the rail bed with access via existing access points. The rail bed, subgrades and all structures, culverts and related items would remain in place and not disturbed.

DESCRIPTION OF THE RAIL LINE

The Line does not contain any structures that are 50 years old or older. Moreover, there are no bridges or structures on the Line.

The Line begins and ends on the northeast side of Belmond and passes through light residential and farm land areas. The width of the right-of-way is typically 100 feet wide and traverses United States Postal Service Zip Code 50421.

ENVIRONMENTAL REVIEW

UP submitted an Environmental Report that concludes that the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UP served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules (49 C.F.R. § 1105.7(b)).¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

The Line has been out of service for more than two years. Consequently, no rail-to-truck diversions would occur. Therefore, OEA believes that there would be no impact on existing regional or local transportation systems or patterns. Further, there would be no effect on the movement and/or recovery of energy resources, recyclable commodities or change in overall energy efficiency.

As noted earlier, Belmond would continue to receive rail service from UP's Fort Dodge Subdivision. The Applicant also states that Belmond is also located near U.S. Highway 69, which connects to U.S. Interstate 35, approximately 15 miles to its east.

Salvage Activities

If the abandonment is approved, UP states that the salvage process would occur as follows:

The salvage process would begin with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) would be removed. Next the wooden ties would be raised from among the ballast with a tool designed for minimum disruption of the ground material. The ties would then be separated into three groups as follows:

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 33 (Sub No. 292X).

(1) good quality ties that would be re-used in rail service, (2) landscape-quality ties that would be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into truck trailers or containers and shipped by UP's contractor to an EPA approved disposal site or to a cogeneration plant.

Culverts and right-of-way grading would remain intact so as not to alter the prevailing water flows along the Line. Ballast would typically be left in place, but might be removed if it is of exceptional quality – thus suitable for resale – or to make the right of way more suitable for a planned future use. UP's salvage contractors would be required to limit their activities to the width of the right-of-way and to not place fills or other material in water bodies, including inland waterways. When the salvage process has been completed, water flows in the area would not have been disrupted. Finally, all road crossings would be removed and remediated, then resurfaced with gravel, asphalt or concrete, as required by the governing authority. Any railroad signals would also dismantled and removed.

UP's salvage work for abandonments is always performed by experienced rail material salvagers. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Board. Completed work would be independently inspected by a UP roadmaster (or equal representative) to ensure compliance with UP standards of quality and all contractual obligations, including Board imposed conditions, if applicable.

The Natural Resources Conservation Service (NRCS) states that the proposed abandonment does not appear to cause the conversion of prime farmland or wetlands.

As noted earlier, a majority of the Line is considered reversionary in nature. On May 29, OEA spoke with Mr. Darrell Huling who owns a farm that is bisected by the Line. Mr. Huling is interested in re-acquiring the rights-of-way, if possible, so that his farm is no longer divided by the Line.

In a letter filed June 5, 2013, UP states that it has received a trails use request from the Iowa National Heritage Foundation. UP indicates that it supports the request and is willing to enter into negotiations.

UP states that there are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the Line.

OEA conducted a search the U.S. Fish and Wildlife Service's (USFWS) website² to search for any species of concern in Wright County, IA. The USFWS website lists the following species as threatened or endangered species:

² U.S. Fish and Wildlife Website, Find Endangered Species:
<http://www.fws.gov/endangered>.

- Topeka shiner (*Notropis Topeka* (=tristis)) – Endangered (Kanas Ecological Field Services Office)
- Prairie bush-clover (*Lespedeza leptostachya*) – Threatened (Twin Cities Ecological Services Office)
- Western prairie fringed Orchid (*Platanthera praeclara*) – Threatened

Upon review of the list of endangered and threatened species identified in the Wright County, OEA does not believe that any salvage activities associated with the abandonment would result in adverse impacts to these species. Nevertheless, OEA has provided a copy of this EA to the USFWS for review and comment.

The USFWS, Division of Realty, states that it does not own any lands or interests in land in the vicinity of the proposed abandonment.

OEA was not able to identify any National or State parks, wildlife sanctuaries, or refuges that would be affected by the proposed abandonment. The National Park Service has not responded to the railroad's environmental report. OEA has provided a copy of this EA to the National Park Service for review and comment.

The U.S. Army Corps of Engineers, Rock Island District (Corps) states that the proposed action does not require a Department of Army Section 404 permit.

The U.S. Department of Commerce, National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. Therefore, OEA has added NGS to the service list for this EA and specifically invites NGS's comments on this EA.

Based on all information available to date, OEA does not believe that the proposed abandonment would result in significant environmental impacts.

HISTORIC REVIEW

In its Historic Report, UP states that the Line contains no structures that are 50 years old or older. Moreover, the Line contains no bridges or other structures.

The Mason City & Fort Dodge Railroad was incorporated under the general laws of the State of Iowa on June 10, 1881. The purpose of the Mason City & Fort Dodge Railroad was to construct, acquire, and operate a railroad from a connection with the Chicago Great Western Railway Company's in Hayfield, MN southwesterly to Omaha NE and Sioux City, IA with a branch line extending in a westerly direction to Oelwein, IA and from Fort Dodge to Lehigh, IA. According to UP, the Line was constructed by the Mason City & Ft. Dodge Railroad in 1886 and operated its own property until it began operating under lease from the Chicago Great Western Railway Company on November 1, 1901.

If the abandonment is approved, UP states that it intends to salvage the rail, ties and track materials. Salvage would occur only on the top of the rail bed. The rail bed, subgrades and all structures, culverts and related items would remain in place and not disturbed.

Based on available information, UP believes that no culturally significant locations, archaeological sites or unique landforms would be affected by the abandonment, as proposed.

UP served the Historic Report as required by the Board's environmental rules (49 C.F.R. § 1105.8(a)) and served the report on the State Historical Society of Iowa (SHPO) pursuant to 49 C.F.R. § 1105.8(c).³ In a letter dated May 27, 2010, the SHPO offers an opinion that no historic properties are affected within the area of potential effects. In an email dated June 5, 2013, the SHPO reaffirmed its previous finding that no historic properties would be affected.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.⁴ The database indicated that the following ten tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the area of potential affect or APE) of the proposed abandonment:

1. Flandreau Santee Sioux Tribe of South Dakota
2. Lower Sioux Indian Community, MN
3. Prairie Island Indian Community, MN
4. Sac and Fox Nation of MO, KS and NE
5. Sac and Fox Nation, OK
6. Sac and Fox Tribe of the Mississippi, IA
7. Santee Sioux Nation, NE
8. Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, SD
9. Spirit Lake Tribe, ND

³ Guidance regarding the Board's historic preservation review process is available on the Board's Web site at: <http://www.stb.dot.gov/stb/environment/preservation.html>.

⁴ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited May 29, 2013).

10. Upper Sioux Community, MN

Accordingly, OEA is sending a copy of this EA to the ten tribes listed above for review and comment.

CONDITIONS

We do not recommend that any conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 (Sub No. 292X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: June 7, 2013.

Comment due date: June 24, 2013.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment